

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-81665-CIV-CANNON/Reinhart

PROVIDENT BANK,

Plaintiff,

v.

DONALD W. MILLER,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS [ECF No. 20]**

THIS CAUSE comes before the Court upon Magistrate Judge Reinhart's Report and Recommendation Regarding Plaintiff's Verified Motion for Attorney's Fees (the "Report") [ECF No. 20], filed on April 4, 2023.

On January 27, 2023, the Court granted Plaintiff's Motion for Final Default Judgment on all counts [ECF No. 13]. On January 31, 2023, the Court entered final default judgment in favor of Plaintiff [ECF No. 14]. Subsequent to the Court's entry of final default judgment, Plaintiff filed the Verified Motion for Attorney's Fees (the "Motion"), seeking \$4,252.50 in attorney's fees [ECF No. 17 p. 2]. This Court referred the Motion to Magistrate Judge Bruce E. Reinhart for a report and recommendation [ECF No. 18]. On April 4, 2023, Judge Reinhart issued a report, recommending that the Motion be granted, and that Plaintiff be awarded \$4,252.50 in attorney's fees [ECF No. 20 p. 7]. Objections to the Report were due on April 18, 2023 [ECF No. 20 p. 8]. No party filed objections, and the time to do so has expired [ECF No. 20 p. 8].

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To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following de novo review, the Court finds the Report to be well reasoned and correct. The Court therefore agrees with the analysis in the Report and concludes that the Motion [ECF No. 17] should be **GRANTED** and that Plaintiff should be awarded attorney's fees in the amount of \$4,252.50 [ECF No. 20 p. 7].

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 20] is **ACCEPTED**.
2. Plaintiff's Verified Motion for Attorney's Fees [ECF No. 17] is **GRANTED**.
3. Plaintiff is entitled to recover attorney's fees in the amount of \$4,252.50.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 25th day of April 2023.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record